REMARKS

This Amendment is being filed in response to the Decision on Appeal mailed September 23, 2004 and the Notice of Allowance mailed on February 28, 2005. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

An Information Disclosure Statement is filed herewith. The references contained therein are all previously cited in the parent Patent Application Serial No. 09/110,613, filed on July 6, 1998, now allowed.

Claims 1-20 are pending in this application. Claims 1-5 and 11-15 are indicated as allowed.

The rejection of claims 6-10 and 16-20 under 35 U.S.C. 102(e) over Sato et al. (USP 6,181,818, hereinafter Sato) is is presumed are still pending.

The applicant respectfully requests the Examiner's reconsideration of the rejection of claims 6-10 and 16-20 in light of the amendments made above and the remarks that follow.

Claim 6 as amended, upon which claims 7-10 depend, claims a method for comparing two images that includes partitioning the first image and the second image into first and second partitions, respectively, determining the frequency of occurrence of each color in each of the partitions, and "comparing the frequency of

occurrence of a select plurality of colors in each first partition with the frequency of occurrence of a corresponding select plurality of colors in each second partition."

The Applicant respectfully maintains that each of Sato's partitions is characterized by a single color, and thus Sato's comparison process cannot be said to include a comparison of the frequency of occurrence of a plurality of colors within each partition, as specifically claimed by the applicant.

Sato partitions an image into areas of "near-equal color", based on similar HSV values. A representative color is used to define each region, and the HSV value of this representative color is used as a "color index" (Sato, column 28, lines 53-62). Each region is characterized by the representative color, the area, and the shape of the region (Sato, column 28, lines 43-47). This characterization allows a search based on locating a region in an image having a particularly shaped area of a specified color. As Sato recites:

> "As an image retrieval method from the image database, the seventh embodiment exemplifies a case wherein at least one closed region which is drawn by a searcher (operator) by designating its position, shape, and color is used as an image serving as a search key, and an image stored in the image database is searched using the position, shape, and color of the closed region." (Sato, column 28, lines 21-27)

Further, assuming that a determination that the size of the area of each region associated with a particular color is

representative of the frequency of occurrence of that color, the applicant respectfully notes that claim 6 specifically claims partitioning an image into partitions, and comparing the frequency of a select plurality of colors within each region. Sato specifically teaches the searching of images based on a frequency of occurrence (size of area) of a single color. (See Sato's FIG. 52, and the above cited text at column 28, lines 21-27).

Because each of Sato's regions is defined by a single color, and because Sato teaches determining a similarity between images based on the characteristics of a single color region, the applicant respectfully maintains that Sato does not teach comparing the frequency of occurrence of a select plurality of colors in each partition of a first image with the frequency of occurrence of a corresponding select plurality of colors in each partition of a second image, as specifically claimed in claims 6-10.

Claim 16, upon which claims 17-20 depend, claims "a similar color determinator that is configured to determine a mapping between a first plurality of colors of pixels of the first image and a second plurality of colors of pixels of the second image, based on a color distance between each of the first plurality of colors and each of the second plurality of colors, the mapping thereby providing a corresponding color in the second plurality of colors for each color in the first plurality of colors, and a similarity

determinator that is configured to determine an image similarity measure based on a comparison of a frequency of occurrence of pixels of each of the first plurality of colors and a frequency of occurrence of pixels of each of the corresponding colors in the second plurality of colors".

As noted above, Sato teaches the comparison of two images based on a single-color comparison (Sato's FIG. 52, and column 28, lines 21-27). The applicant respectfully maintains that a comparison of a frequency of occurrence of a single target color cannot be considered to read upon Claim 16, as amended.

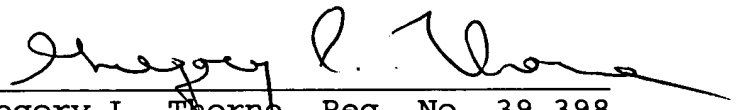
Because Sato teaches determining a similarity between images based on the characteristics of a single color region, the applicant respectfully maintains that Sato does not teach a comparison of a frequency of occurrence of pixels of each of a first plurality of colors and a frequency of occurrence of pixels of each of corresponding colors in a second plurality of colors, as claimed in claims 16-20.

Because Sato does not teach each element of the applicant's claims, the applicant respectfully requests that the rejection of Claims 6-10 and 16-20 under 35 U.S.C. 102(e) over Sato be withdrawn.

The Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Early and favorable action is earnestly solicited.

Respectfully submitted,

By 

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May 16, 2005